

117TH CONGRESS  
1ST SESSION

# S. 925

To establish the Federal Agency Sunset Commission.

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## IN THE SENATE OF THE UNITED STATES

MARCH 23, 2021

Mr. SCOTT of Florida (for himself, Mr. BRAUN, Mr. CRAPO, Mr. TILLIS, and Ms. ERNST) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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# A BILL

To establish the Federal Agency Sunset Commission.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal Agency Sunset  
5       Commission Act of 2021”.

**6 SEC. 2. DEFINITIONS.**

7       In this Act:

8              (1) ADVISORY COMMITTEE.—The term “advi-  
9              sory committee” has the meaning given the term in  
10             section 3 of the Federal Advisory Committee Act (5  
11             U.S.C. App.).

1                             (2) AGENCY.—The term “agency”—

2                                 (A) has the meaning given the term “Executive  
3                                 agency” in section 105 of title 5, United  
4                                 States Code; and

5                                 (B) includes an advisory committee.

6                             (3) CALENDAR DAY.—The term “calendar day”  
7                                 means a calendar day other than one on which ei-  
8                                 ther House is not in session because of an adjourn-  
9                                 ment of more than 3 days to a date certain.

10                            (4) COMMISSION.—The term “Commission”  
11                                 means the Federal Agency Sunset Commission es-  
12                                 tablished under section 3.

13                            (5) JOINT RESOLUTION.—The term “joint reso-  
14                                 lution” means a joint resolution consisting of the  
15                                 proposed legislative language submitted by the Com-  
16                                 mission under section 5(c) and introduced or re-  
17                                 introduced under section 10(a).

18                            (6) PROGRAM INVENTORY.—The term “pro-  
19                                 gram inventory” means an inventory of Federal pro-  
20                                 grams prepared under section 9.

21                            (7) SUPERMAJORITY.—The term “super-  
22                                 majority” means an affirmative vote of two-thirds of  
23                                 the Members, duly chosen and sworn.

1   **SEC. 3. REVIEW AND ABOLISHMENT OF FEDERAL AGEN-**

2                 **CIES.**

3                 (a) **SCHEDULE FOR REVIEW.—**

4                         (1) **IN GENERAL.**—Not later than 1 year after  
5                         the date of enactment of this Act, the Commission  
6                         shall submit to Congress a schedule for review by  
7                         the Commission of each agency that lists the date of  
8                         abolishment for each agency.

9                         (2) **FREQUENCY.**—A date of abolishment de-  
10                         scribed in paragraph (1) shall occur not less fre-  
11                         quently than once every 12 years (or less, if deter-  
12                         mined appropriate by Congress).

13                         (3) **FORMAT.**—A schedule for review described  
14                         in paragraph (1) shall be in the form of a joint reso-  
15                         lution.

16                 (b) **REVIEW OF AGENCIES PERFORMING RELATED**  
17 **FUNCTIONS.**—In determining the schedule for review of  
18 agencies under subsection (a), the Commission shall pro-  
19 vide that agencies that perform similar or related func-  
20 tions be reviewed concurrently to promote efficiency and  
21 consolidation.

22                 (c) **ABOLISHMENT OF AGENCIES.—**

23                         (1) **IN GENERAL.**—Each agency shall be re-  
24                         viewed and abolished according to the schedule cre-  
25                         ated pursuant to this section and approved under

1       section 10, unless the agency is reauthorized by Con-  
2       gress.

3                     (2) EXTENSION.—The date of abolishment for  
4       an agency may be extended for an additional 2 years  
5       if Congress enacts legislation extending the date by  
6       a vote of a supermajority of the Senate and the  
7       House of Representatives.

8       **SEC. 4. ESTABLISHMENT OF COMMISSION.**

9                     (a) ESTABLISHMENT.—There is established a com-  
10      mission to be known as the “Federal Agency Sunset Com-  
11      mission”.

12                     (b) MEMBERSHIP.—The Commission shall be com-  
13      posed of 13 members, who shall be appointed as follows:

14                         (1) 1 shall be appointed by the President.

15                         (2) 3 shall be appointed by the majority leader  
16      of the Senate, of whom—

17                             (A) 2 shall be from among members of the  
18      Senate; and

19                             (B) 1 shall not be Member of Congress  
20      and shall have expertise in the operation and  
21      administration of Federal Government pro-  
22      grams.

23                         (3) 3 shall be appointed by the minority leader  
24      of the Senate, of whom—

1                             (A) 2 shall be from among members of the  
2                             Senate; and

3                             (B) 1 shall not be Member of Congress  
4                             and shall have expertise in the operation and  
5                             administration of Federal Government pro-  
6                             grams.

7                             (4) 3 shall be appointed by the Speaker of the  
8                             House of Representatives, of whom—

9                             (A) 2 shall be from among members of the  
10                             House of Representatives; and

11                             (B) 1 shall not be Member of Congress  
12                             and shall have expertise in the operation and  
13                             administration of Federal Government pro-  
14                             grams.

15                             (5) 3 shall be appointed by the minority leader  
16                             of the House of Representatives, of whom—

17                             (A) 2 shall be from among members of the  
18                             House of Representatives; and

19                             (B) 1 shall not be Member of Congress  
20                             and shall have expertise in the operation and  
21                             administration of Federal Government pro-  
22                             grams.

23                             (c) CONTINUATION OF MEMBERSHIP.—If a member  
24                             was appointed to the Commission as a Member of Con-  
25                             gress and the member ceases to be a Member of Congress,

1 that member shall cease to be a member of the Commis-  
2 sion.

3 (d) INITIAL APPOINTMENTS.—All initial appoint-  
4 ments to the Commission shall be made not later than 90  
5 days after the date of enactment of this Act.

6 (e) TERMS OF MEMBERS.—

7 (1) IN GENERAL.—Each member appointed to  
8 the Commission shall serve for a term of 6 years.

9 (2) VACANCIES.—A vacancy in the Commis-  
10 sion—

11 (A) shall not affect the powers of the Com-  
12 mission; and

13 (B) shall be filled in the same manner as  
14 the original appointment not later than 30 days  
15 after the date on which the vacancy occurs.

16 (f) CHAIRMAN; VICE CHAIRMAN.—The Commission  
17 shall select a Chairperson and Vice Chairperson from  
18 among the members of the Commission for a term of 4  
19 years.

20 (g) POWERS OF COMMISSION.—

21 (1) HEARINGS AND SESSIONS.—The Commis-  
22 sion may, for the purpose of carrying out this Act—

23 (A) hold such hearings, sit and act at such  
24 times and places, take such testimony, and re-

1           ceive such evidence as the Commission con-  
2           siders appropriate; and

3                 (B) administer oaths to witnesses appear-  
4                 ing before the Commission.

5                 (2) OBTAINING INFORMATION.—

6                 (A) IN GENERAL.—The Commission may  
7                 secure directly from any agency or advisory  
8                 committee information necessary to enable the  
9                 Commission to carry out the duties of the Com-  
10                 mission under this Act.

11                 (B) FURNISHING INFORMATION.—On re-  
12                 quest of the Chairperson of the Commission,  
13                 the head of the agency or the Chair of the advi-  
14                 sory committee, as applicable, shall furnish in-  
15                 formation to the Commission in a full and time-  
16                 ly manner.

17                 (3) SUBPOENA POWER.—

18                 (A) AUTHORITY TO ISSUE SUBPOENA.—  
19                 The Commission may issue a subpoena to re-  
20                 quire the attendance and testimony of witnesses  
21                 and the production of evidence relating to any  
22                 matter under investigation by the Commission.

23                 (B) COMPLIANCE WITH SUBPOENA.—If a  
24                 person refuses to obey an order or subpoena of  
25                 the Commission that is issued in connection

1           with a Commission proceeding, the Commission  
2       may apply to the United States district court in  
3       the judicial district in which the proceeding is  
4       held for an order requiring the person to com-  
5       ply with the subpoena or order.

6           (4) IMMUNITY.—The Commission is an agency  
7       of the United States for purposes of part V of title  
8       18, United States Code (relating to immunity of wit-  
9       nesses).

10          (5) CONTRACT AUTHORITY.—The Commission  
11       may contract with and compensate government and  
12       private agencies or persons for services without re-  
13       gard to section 6101 of title 41, United States Code  
14       (relating to advertising requirement for Federal Gov-  
15       ernment purchases and sales).

16          (h) COMMISSION PROCEDURES.—

17           (1) INITIAL MEETING.—Not later than 45 days  
18       after the date on which all members of the Commis-  
19       sion have been appointed, the Commission shall hold  
20       the first meeting of the Commission.

21           (2) MEETINGS.—The Commission shall meet at  
22       the call of the Chairman and not fewer than 2 times  
23       per year.

24           (3) QUORUM.—A majority of the members of  
25       the Commission shall constitute a quorum.

1                             (4) VOTING.—The schedule for review sub-  
2                             mitted pursuant to section 3(a) and the report and  
3                             joint resolution submitted pursuant to section 5  
4                             shall have the approval of not less than a majority  
5                             of the members of the Commission.

6                             (i) PERSONNEL MATTERS.—

7                             (1) COMPENSATION.—Members of the Commis-  
8                             sion shall not be paid by reason of their service as  
9                             members.

10                            (2) TRAVEL EXPENSES.—Each member of the  
11                             Commission shall receive travel expenses, including  
12                             per diem in lieu of subsistence in accordance with  
13                             applicable provisions under subchapter I of chapter  
14                             57 of title 5, United States Code.

15                            (3) EXECUTIVE DIRECTOR.—The Commission  
16                             shall have an executive director who—

17                             (A) shall be appointed and terminated by  
18                             the Chairperson of the Commission;

19                             (B) shall be confirmed by a vote of not  
20                             fewer than 7 members of the Commission; and

21                             (C) may appoint and fix the pay of addi-  
22                             tional personnel as the executive director con-  
23                             siders appropriate.

1                             (4) APPLICABILITY OF CERTAIN CIVIL SERVICE  
2 LAWS.—The executive director and staff of the Com-  
3 mission shall be—

4                             (A) appointed subject to the provisions of  
5 title 5, United States Code, governing appoint-  
6 ments in the competitive service; and

7                             (B) paid in accordance with the provisions  
8 of chapter 51 and subchapter III of chapter 53  
9 of that title relating to classification and Gen-  
10 eral Schedule pay rates.

11                             (j) OTHER ADMINISTRATIVE MATTERS.—

12                             (1) POSTAL AND PRINTING SERVICES.—The  
13 Commission may use the United States mails and  
14 obtain printing and binding services in the same  
15 manner and under the same conditions as other de-  
16 partments and agencies of the Federal Government.

17                             (2) ADMINISTRATIVE SUPPORT SERVICES.—  
18 Upon the request of the Commission, the Adminis-  
19 trator of General Services shall provide to the Com-  
20 mission, on a reimbursable basis, the administrative  
21 support services necessary for the Commission to  
22 carry out the duties of the Commission under this  
23 Act.

24                             (3) EXPERTS AND CONSULTANTS.—The Com-  
25 mission may procure temporary and intermittent

1 services under section 3109(b) of title 5, United  
2 States Code.

3                             (4) GIFTS.—The Commission may accept, use,  
4                             and dispose of gifts or donations of services or prop-  
5                             erty.

## **6 SEC. 5. REVIEW OF EFFICIENCY AND NEED FOR FEDERAL 7 AGENCIES.**

8       (a) IN GENERAL.—The Commission shall review the  
9 efficiency and public need for each agency using the cri-  
10 teria described in section 6.

11           (b) RECOMMENDATIONS; REPORT TO CONGRESS.—  
12 Not later than September 1 of each year, the Commission  
13 shall submit to Congress and the President a report con-  
14 taining—

1                         (4) recommendations on whether the functions  
2                         of any other agencies should be consolidated, trans-  
3                         ferred, or reorganized in an agency to be reviewed  
4                         in the year in which the report is submitted pursu-  
5                         ant to the schedule submitted to Congress under  
6                         section 3; and

7                         (5) recommendations for administrative and  
8                         legislative action with respect to each such agency,  
9                         but not including recommendations for appropriation  
10                         levels.

11                         (c) JOINT RESOLUTION.—Not later than September  
12                         1 of each year, the Commission shall submit to Congress  
13                         and the President a joint resolution to carry out the rec-  
14                         ommendations of the Commission under subsection (b).

15                         (d) INFORMATION GATHERING.—The Commission  
16                         shall—

17                         (1) conduct public hearings on the abolishment  
18                         of each agency reviewed under subsection (b);

19                         (2) provide an opportunity for public comment  
20                         on the abolishment of each such agency;

21                         (3) require the agency to provide information to  
22                         the Commission as appropriate; and

23                         (4) consult with the General Accountability Of-  
24                         fice, the Office of Management and Budget, the  
25                         Comptroller General of the United States, and the

1 chair and ranking members of the committees of  
2 Congress with oversight responsibility for the agency  
3 being reviewed regarding the operation of the agen-  
4 cy.

5 (e) USE OF PROGRAM INVENTORY.—The Commis-  
6 sion shall use the program inventory prepared under sec-  
7 tion 9 in reviewing the efficiency and public need for each  
8 agency under subsection (a).

9 **SEC. 6. CRITERIA FOR REVIEW.**

10 The Commission shall evaluate the efficiency and  
11 public need for each agency pursuant to section 5 using  
12 the following criteria:

13 (1) The effectiveness, and the efficiency of the  
14 operation of, the programs carried out by the agen-  
15 cy.

16 (2) Whether the programs carried out by the  
17 agency are cost-effective.

18 (3) Whether the agency has acted outside the  
19 scope of the original authority of the agency, and  
20 whether the original objectives of the agency have  
21 been achieved.

22 (4) Whether less restrictive or alternative meth-  
23 ods exist to carry out the functions of the agency.

24 (5) The extent to which the jurisdiction of, and  
25 the programs administered by, the agency duplicate

1       or conflict with the jurisdiction and programs of  
2       other agencies.

3           (6) The potential benefits of consolidating pro-  
4       grams administered by the agency with similar or  
5       duplicative programs of other agencies, and the po-  
6       tential for consolidating such programs.

7           (7) The number and types of beneficiaries or  
8       persons served by programs carried out by the agen-  
9       cy.

10          (8) The extent to which any trends, develop-  
11       ments, and emerging conditions that are likely to af-  
12       flect the future nature and extent of the problems or  
13       needs that the programs carried out by the agency  
14       are intended to address.

15          (9) The extent to which the agency has com-  
16       plied with the applicable provisions contained in sec-  
17       tions 1115, 1116, 1117, 1120, 1121, 1122, 1123,  
18       1124, 1125, and the first section 9703 of title 31,  
19       United States Code, section 306 of title 5, United  
20       States Code, and chapter 28 of title 39, United  
21       States Code.

22          (10) The promptness and effectiveness with  
23       which the agency seeks public input and input from  
24       State and local governments on the efficiency and ef-

1       fectiveness of the performance of the functions of  
2       the agency.

3           (11) Whether the agency has worked to enact  
4       changes in the law that are intended to benefit the  
5       public as a whole rather than the specific business,  
6       institution, or individuals that the agency regulates.

7           (12) The extent to which the agency has en-  
8       couraged participation by the public as a whole in  
9       making the rules and decisions of the agency rather  
10      than encouraging participation solely by those that  
11      the agency regulates.

12          (13) The extent to which the public participa-  
13       tion in rule making and decision making of the  
14       agency has resulted in rules and decisions compati-  
15       ble with the objectives of the agency.

16          (14) The extent to which the agency complies  
17       with equal employment opportunity requirements re-  
18       garding equal employment opportunity.

19          (15) The extent of the regulatory, privacy, and  
20       paperwork impacts of the programs carried out by  
21       the agency.

22          (16) The extent to which the agency has coordi-  
23       nated with State and local governments in per-  
24       forming the functions of the agency.

1                         (17) The potential effects of abolishing the  
2                         agency on State and local governments.

3                         (18) The extent to which changes are necessary  
4                         in the authorizing statutes of the agency in order  
5                         that the functions of the agency can be performed  
6                         in the most efficient and effective manner.

7                         **SEC. 7. OVERSIGHT BY COMMISSION.**

8                         (a) MONITORING OF IMPLEMENTATION OF REC-  
9                         OMMENDATIONS.—The Commission shall monitor imple-  
10                         mentation of laws enacting provisions that incorporate rec-  
11                         ommendations of the Commission with respect to abolish-  
12                         ment or reorganization of agencies.

13                         (b) MONITORING OF OTHER RELEVANT LEGISLA-  
14                         TION.—

15                         (1) IN GENERAL.—The Commission shall review  
16                         and report to Congress on all legislation introduced  
17                         in either House of Congress that would establish—

18                         (A) a new agency; or

19                         (B) a new program to be carried out by an  
20                         existing agency.

21                         (2) REPORT TO CONGRESS.—The Commission  
22                         shall include in each report submitted to Congress  
23                         under paragraph (1) an analysis of whether—

- 1                         (A) the functions of the proposed agency  
2                         or program could be carried out by 1 or more  
3                         existing agencies;
- 4                         (B) the functions of the proposed agency  
5                         or program could be carried out in a less re-  
6                         strictive manner than the manner proposed in  
7                         the legislation; and
- 8                         (C) the legislation provides for public input  
9                         regarding the performance of functions by the  
10                         proposed agency or program.

11 **SEC. 8. DISPOSITION OF AGENCY AFFAIRS.**

12                  The President, in consultation with the head of an  
13 agency determined to be abolished pursuant to section  
14 3(c), shall take such action as may be necessary to wind  
15 down the operation of the agency during the 1-year period  
16 following the date of abolition for the agency, including  
17 the designation of an agency to carry out any ongoing au-  
18 thority, maintain custodial records, act as a party to unre-  
19 solved legal actions, or other obligations that cannot be  
20 resolved within 1 year.

21 **SEC. 9. PROGRAM INVENTORY.**

22                  (a) PREPARATION.—The Comptroller General of the  
23 United States and the Director of the Congressional  
24 Budget Office, in cooperation with the Director of the

1 Congressional Research Service, shall prepare an inven-  
2 tory of Federal programs within each agency.

3 (b) PURPOSE.—

4 (1) IN GENERAL.—The purpose of a program  
5 inventory is to advise and assist Congress and the  
6 Commission in carrying out the requirements of this  
7 Act.

8 (2) NONBINDING.—A program inventory shall  
9 not in any way bind the committees of the Senate  
10 or the House of Representatives with respect to their  
11 responsibilities under this Act and shall not infringe  
12 on the legislative and oversight responsibilities of  
13 those committees.

14 (3) COMPIRATION AND MAINTENANCE.—The  
15 Comptroller General of the United States shall com-  
16 pile and maintain each program inventory and the  
17 Director of the Congressional Budget Office shall  
18 provide budgetary information for inclusion in each  
19 program inventory.

20 (c) INVENTORY CONTENT.—The program inventory  
21 shall set forth for each program each of the following mat-  
22 ters:

23 (1) The specific provision or provisions of law  
24 authorizing the program.

1                   (2) The committees of the Senate and the  
2                   House of Representatives that have legislative or  
3                   oversight jurisdiction over the program.

4                   (3) A brief statement of the purpose or pur-  
5                   poses to be achieved by the program.

6                   (4) The committees which have jurisdiction over  
7                   legislation providing new budget authority for the  
8                   program, including the appropriate subcommittees of  
9                   the Committees on Appropriations of the Senate and  
10                  the House of Representatives.

11                  (5) The agency and, if applicable, the subdivi-  
12                  sion thereof responsible for administering the pro-  
13                  gram.

14                  (6) The grants-in-aid, if any, provided by the  
15                  program to State and local governments.

16                  (7) The next reauthorization date for the pro-  
17                  gram.

18                  (8) A unique identification number that links  
19                  the program and functional category structure.

20                  (9) The year in which the program was origi-  
21                  nally established and, where applicable, the year in  
22                  which the program expires.

23                  (10) Where applicable, the year in which new  
24                  budget authority for the program was last author-

1       ized and the year in which current authorizations of  
2       new budget authority expire.

3               (11) Whether the new budget authority pro-  
4       vided for the program is—

5                       (A) authorized for a definite period of  
6       time;

7                       (B) authorized in a specific dollar amount  
8       but without limit of time;

9                       (C) authorized without limit of time or dol-  
10       lar amounts;

11                       (D) not specifically authorized; or

12                       (E) permanently provided, as determined  
13       by the Director of the Congressional Budget  
14       Office.

15               (12) Any other information the Commission de-  
16       termines to be necessary.

17               (d) CBO INFORMATION.—For each program or  
18       group of programs, the program inventory shall include  
19       information prepared by the Director of the Congressional  
20       Budget Office indicating each of the following:

21                       (1) The amounts of new budget authority au-  
22       thorized and provided for the program for each of  
23       the preceding 4 fiscal years and, where applicable,  
24       the 4 succeeding fiscal years.

7       (e) MUTUAL EXCHANGE OF INFORMATION.—The  
8 General Accountability Office, the Congressional Research  
9 Service, and the Congressional Budget Office shall permit  
10 the mutual exchange of available information in their pos-  
11 session that would aid in the compilation of the program  
12 inventory.

13 (f) ASSISTANCE BY EXECUTIVE BRANCH.—

1   **SEC. 10. EXPEDITED CONSIDERATION FOR SCHEDULE FOR**  
2                   **REVIEW.**

3       (a) INTRODUCTION AND COMMITTEE CONSIDER-  
4    RATION.—

5                 (1) INTRODUCTION.—A joint resolution shall be  
6    introduced in the Senate by the majority leader, or  
7    the majority leader's designee, and in the House of  
8    Representatives, by the Speaker, or the Speaker's  
9    designee not later than 60 days after the date on  
10   which the proposed legislation is submitted to Con-  
11   gress. Upon such introduction, the Commission  
12   schedule for review bill shall be referred to the ap-  
13   propriate committees of Congress under paragraph  
14   (2). If the joint resolution is not introduced in ac-  
15   cordance with the preceding sentence, then any  
16   member of Congress may introduce such legislation  
17   in their respective House of Congress beginning on  
18   the date that is the 5th calendar day that such  
19   House is in session following the date of the submis-  
20   sion of such aggregate legislative language provi-  
21   sions.

22                 (2) COMMITTEE CONSIDERATION.—

23                 (A) REFERRAL.—The joint resolution in-  
24    troduced under paragraph (1) shall be referred  
25    to any appropriate committee of jurisdiction in  
26    the Senate and the House of Representatives. A

1 committee to which the joint resolution is re-  
2 ferred under this paragraph may review and  
3 comment on such legislation, may report such  
4 legislation to the respective House, and may not  
5 amend such legislation.

6 (B) REPORTING.—Not later than 30 cal-  
7 endar days after the introduction of the joint  
8 resolution, each Committee of Congress to  
9 which the joint resolution was referred shall re-  
10 port the legislation.

11 (C) DISCHARGE OF COMMITTEE.—If a  
12 committee to which a joint resolution is referred  
13 has not reported such legislation at the end of  
14 30 calendar days after its introduction or at the  
15 end of the first day after there has been re-  
16 ported to the House a joint resolution involved  
17 a joint resolution, whichever is earlier, such  
18 committee shall be deemed to be discharged  
19 from further consideration of such legislation  
20 and such legislation shall be placed on the ap-  
21 propriate calendar of the House involved.

22 (b) EXPEDITED PROCEDURE.—

23 (1) CONSIDERATION.—

24 (A) IN GENERAL.—Not later than 30 cal-  
25 endar days after the date on which a committee

1 has reported a joint resolution or has been dis-  
2 charged from consideration of a joint resolution,  
3 the majority leader of the Senate, or the major-  
4 ity leader's designee, or the Speaker of the  
5 House of Representatives, or the Speaker's des-  
6 ignee, shall move to proceed to the consider-  
7 ation of the joint resolution. It shall also be in  
8 order for any Member of the Senate or the  
9 House of Representatives, respectively, to move  
10 to proceed to the consideration of the joint reso-  
11 lution at any time after the conclusion of such  
12 5-day period.

13 (B) MOTION TO PROCEED.—A motion to  
14 proceed to the consideration of a joint resolu-  
15 tion is highly privileged in the House of Rep-  
16 resentatives and is privileged in the Senate and  
17 is not debatable. The motion is not subject to  
18 amendment or to a motion to postpone consid-  
19 eration of the joint resolution. If the motion to  
20 proceed is agreed to, the Senate or the House  
21 of Representatives, as the case may be, shall  
22 immediately proceed to consideration of the  
23 joint resolution without intervening motion,  
24 order, or other business, and the joint resolu-  
25 tion shall remain the unfinished business of the

1           Senate or the House of Representatives, as the  
2           case may be, until disposed of.

3           (C) LIMITED DEBATE.—Debate on the  
4           joint resolution and on all debatable motions  
5           and appeals in connection therewith shall be  
6           limited to not more than 10 hours, which shall  
7           be divided equally between those favoring and  
8           those opposing the joint resolution. A motion  
9           further to limit debate on the joint resolution is  
10          in order and is not debatable. All time used for  
11          consideration of the joint resolution, including  
12          time used for quorum calls (except quorum calls  
13          immediately preceding a vote) and voting, shall  
14          come from the 10 hours of debate.

15          (D) AMENDMENTS.—No amendment to the  
16          joint resolution shall be in order in the Senate  
17          and the House of Representatives.

18          (E) VOTE ON FINAL PASSAGE.—Imme-  
19          diately following the conclusion of the debate on  
20          the joint resolution, the vote on final passage of  
21          the joint resolution shall occur.

22          (F) OTHER MOTIONS NOT IN ORDER.—A  
23          motion to postpone consideration of the joint  
24          resolution, a motion to proceed to the consider-  
25          ation of other business, or a motion to recom-

1           mit the review joint resolution is not in order.  
2           A motion to reconsider the vote by which the  
3           joint resolution is agreed to or not agreed to is  
4           not in order.

5           (2) CONSIDERATION BY OTHER HOUSE.—If, be-  
6           fore the passage by one House of the joint resolution  
7           that was introduced in such House, such House re-  
8           ceives from the other House a joint resolution as  
9           passed by such other House—

10           (A) the joint resolution of the other House  
11           shall not be referred to a committee and may  
12           only be considered for final passage in the  
13           House that receives it under subparagraph (C);

14           (B) the procedure in the House in receipt  
15           of the joint resolution of the other House, shall  
16           be the same as if no joint resolution had been  
17           received from the other House; and

18           (C) notwithstanding subparagraph (B), the  
19           vote on final passage shall be on the joint reso-  
20           lution of the other House.

21           (3) DISPOSITION.—Upon disposition of a joint  
22           resolution that is received by one House from the  
23           other House, it shall no longer be in order to con-  
24           sider the joint resolution that was introduced in the  
25           receiving House.

1       (c) RULES OF THE SENATE AND THE HOUSE OF

2 REPRESENTATIVES.—This section is enacted—

3                 (1) as an exercise of the rulemaking power of  
4                 the Senate and the House of Representatives, re-  
5                 spectively, and is deemed to be part of the rules of  
6                 each House, respectively, but applicable only with re-  
7                 spect to the procedure to be followed in that House  
8                 in the case of the joint resolution, and it supersedes  
9                 other rules only to the extent that it is inconsistent  
10                 with such rules; and

11                 (2) with full recognition of the constitutional  
12                 right of either House to change the rules (so far as  
13                 they relate to the procedure of that House) at any-  
14                 time, in the same manner, and to the same extent  
15                 as in the case of any other rule of that House.

16       (d) FALBACK PROVISION.—If the Senate and the  
17                 House of Representatives fail to act within 1 year from  
18                 the date of introduction, the joint resolution takes effect.

